

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTER FOR PUBLIC INTEGRITY
910 17th Street, N.W., 7th Floor
Washington, DC 20006

Plaintiff,

v.

C.A. No.

FEDERAL ENERGY REGULATORY
COMMISSION
888 1st Street, N.E.
Washington, DC 20426-0002

Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, *as amended*, to compel the production of certain agency records regarding companies considering construction of liquefied natural gas facilities.

Jurisdiction

2. This Court has jurisdiction over this action pursuant to 5 U.S.C. § 552(a)(4)(B).

Parties

3. Plaintiff, Center for Public Integrity, is a District of Columbia corporation and a nonprofit, nonpartisan, tax-exempt organization that conducts investigative research and reporting on public policy issues in the United States and around the world. Plaintiff is the requester of the withheld records.

4. Defendant, Federal Energy Regulatory Commission (FERC), is an agency of the United States and has possession of and control over the records that plaintiff seeks.

Statement of Facts

5. By letter dated February 26, 2004, addressed to the director of FERC's Office of External Affairs, plaintiff "request[ed] access to and copies of all documents in your custody or under your control related to correspondence, including but not limited to meetings, transcripts, schedules, minutes, and/or agendas between the Federal Energy Regulatory Commission and companies considering construction of liquefied natural gas facilities, including but not limited to Tractebel, Dominion, El Paso, Southern Union, Sempra Energy, Chevron Texaco, AES Ocean Express, El Paso Global, Calypso Tractebel, Cheniere Energy Inc., Cheniere LNG Partners, Freeport LNG Development, Weaver's Cove Energy, Sound Energy Solutions, Mitsubishi, Vista Del Sol LNG Terminal LP, ExxonMobil, Golden Pass LNG Terminal LP, Golden Pass Pipeline LP, British Petroleum, BHP Billiton, Shell, Calpine, Somerset LNG, McMoRan Exploration, Crystal Energy, Florida Power & Light Company, Conoco-Phillips, Marathon Oil Corporation, Irving Oil, Chevron Canada, Access Northeast Energy Inc., TransCanada, Gaz Met, Keyspan Energy, and BG LNG, since 1999."

6. By letter dated March 26, 2004, FERC indicated it had received plaintiff's request by March 1, 2004, and designated the request as "FOIA No. FY04-83." FERC notified plaintiff "that we have extended the time limit to make an initial determination on your request for records [to] April 12, 2004."

7. FERC has produced a portion of the requested records, beginning with an "initial response" dated April 23, 2004. FERC has "found more than 400 documents that may be responsive to [plaintiff's] request," of which it has produced a fraction.

8. More than thirty working days have passed since FERC received plaintiff's request. FERC has not made a final response to plaintiff's request.

9. Plaintiff has a statutory right to the requested records, and there is no legal basis for defendant's refusal to make them available to plaintiff.

WHEREFORE, plaintiff requests that this Court:

1. Declare that defendant's refusal to disclose the records requested by plaintiff is unlawful;
2. Order defendant to make the requested records available to plaintiff;
3. Award plaintiff its costs and reasonable attorneys' fees in this action; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/

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